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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,537	08/09/2005	Arne Roald	OPA-PT014	7539
3624 7590 07/21/2009				
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103				
EXAMINER				
SAADAT, CAMERON				
ART UNIT		PAPER NUMBER		
3715				
MAIL DATE		DELIVERY MODE		
07/21/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/523,537

**Applicant(s)**

ROALD, ARNE

**Examiner**

CAMERON SAADAT

**Art Unit**

3715

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/10/2009 has been entered. Claims 1-14 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steele (US 7,265,663).**

Claim 1: Steele discloses a system for computer assisted driving lessons, for installation in a vehicle used for instructions, comprising an electronic processing unit for display, control, recording and storage of data, a first camera 220 directed forward in a driving direction, a second camera 220 directed at a pupils eyes as well as recording situations behind the vehicle, a microphone 267, a sensor giving position data 272 (See Fig. 3), wherein the processing unit is being arranged for synchronous recording and storing signals from the cameras, the microphone and the sensor in pre-defined time intervals at pre-defined positions along a driving route. See Col. 2, lines 24-25; Fig 5. Steele further discloses that selection of which video to display in each of the camera views can be preprogrammed to switch automatically based on real-time analysis of the data derived from performance sensors and biosensors. See Steele, Col. 6, lines 4-29. Steele does not explicitly disclose manually entering marks at points of interest in the recording. However, it is the examiner's position that the automated trigger video switching described in Steele is not solely automated, since it requires preprogramming of desired events of interest. Thus, it is implicit that a user would need to manually preprogram the automated trigger video switching. Therefore, it would have been obvious to one of ordinary skill in the art to modify the automated video switching to provide some type of manual input in order to allow a user to select points of interest, such as: focusing on the driver when the vehicle is at rest or traveling slowly.

Regarding claims 2, and 5-6, Steele discloses all of the claimed subject matter with the exception of explicitly disclosing (as per claim 2) a sensor measuring the distance to a vehicle in front; (as per claim 5) compressing recorded signals prior to storage; and (as per claim 6) providing a scorecard. However, the examiner takes official notice that these features as old and

well known, and therefore it would have been obvious to one of ordinary skill in the art to modify the driver training system and method described in Steele with these features.

Claim 3: Steele discloses a trip meter. See Fig. 5, lap distance.

Claim 4: Steele discloses a Global Positioning System receiver 240. See Fig. 3.

Claims 7 and 13: Steele discloses a method for computer assisted driving lessons, comprising displaying picture/video-sequences from pre-defined time intervals in pre-defined positions along a pre-defined route as preparation before driving occurs (See Col. 9, lines 7-22, pre-ride educational materials), when driving to record video signals from the same pre-defined route, and after a driving trip displaying the signals recorded during the trip in said pre-defined time intervals in said pre-defined positions. See Col. 9, lines 23-54. Steele further discloses that selection of which video to display in each of the camera views can be preprogrammed to switch automatically based on real-time analysis of the data derived from performance sensors and biosensors. See Steele, Col. 6, lines 4-29. Steele does not explicitly disclose manually entering marks at points of interest in the recording. However, it is the examiner's position that the automated trigger video switching is not solely automated, since it requires preprogramming of desired events of interest. Thus, it is implicit that a user would need to manually preprogram the automated trigger video switching. Therefore, it would have been obvious to one of ordinary skill in the art to modify the automated video switching to provide so type of manual input in order to allow a user to select points of interest, such as: focusing on the driver when the vehicle is at rest or traveling slowly.

Claim 8: Steele discloses manually entering electronic marks at points of particular interest when driving, and after the trip displaying the signals recorded during a pre-defined time interval at said points of particular interest. See Col. 2, lines 24-25; Fig. 5.

Claim 9: Steele disclose a video camera 220 pointing in a driving direction. See fig. 3.

Claim 10: Steele discloses a video camera pointing in a rearward direction, and also recording the eyes of the person driving. See Fig. 3.

Claim 11: Steele discloses that the signals are recorded continuously during the trip. See Col. 2, lines 18-25.

Claim 12: Steele discloses that signals are recorded in said pre-defined time intervals at said pre-defined positions, and when an electronic mark has been entered. Col. 2, lines 18-25.

Claim 14: Steele discloses signals recorded from a pre-defined time interval spans from a pre-defined period of time before entering an electronic mark to a pre-defined period of time after entering the electronic mark. See Steele, Col. 6, lines 4-29. Steele does not explicitly describe a pre-defined time intervals spanning 10-15 seconds of recording before entering the electronic mark. However, it would have been an obvious matter of design choice as to the time intervals for recording and electronic marking (time stamping) wherein no stated problem is solved or unexpected result is obtained by prescribing 10-15 seconds in order to start recording prior to an event taking place.

***Response to Arguments***

Applicant's amendment to the claims overcomes the rejection set forth under 35 U.S.C. 112, first paragraph. Accordingly, this rejection is withdrawn. Applicant argues that Steele does not disclose, teach or suggest the feature of focusing on critical points, i.e. predefined time intervals in said pre-defined positions. The examiner respectfully disagrees. Steele discloses a track positioning subsystem that provides a means for controlling on-vehicle video switching based on the vehicle's physical location on the track. In addition, Steel discloses that selection of camera views can be preprogrammed to switch automatically based on real-time analysis of data derived from performance sensors and bio-sensors. See Col. 6, lines 4-43.

Applicant also emphasizes that Steele does not disclose having an instructor present in the car and that there is no analysis of the trip. The examiner notes that the claims do not include the limitation of having an instructor present in a vehicle.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAMERON SAADAT whose telephone number is (571)272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cameron Saadat/  
Primary Examiner, Art Unit 3715